

1904, art. 34, sec. 3. 1888, art. 34, sec. 3. 1860, art. 36, sec. 4. 1796, ch. 18, sec. 2. 1892, ch. 593.

3. If the owner of an estray demands it and shall prove by one credible witness examined before a justice of the peace of the county his title thereto, the same shall be delivered to him upon his paying the expenses incurred by the person taking up and keeping the same, including the cost of advertising.

*Ibid.* sec. 4. 1888, art. 34, sec. 4. 1860, art. 36, sec. 5. 1769, ch. 18, sec. 2. 1892, ch. 593.

4. If no person claims an estray within thirty days after the same shall be so advertised as aforesaid, then the person taking up the same shall apply to a justice of the peace of the county, who upon being satisfied that the notices heretofore directed have been given, shall order him to sell the same at public auction on ten days' notice to be set up at three of the most public places of the neighborhood, and after deducting from the proceeds of sale all expenses incident to taking up, keeping, advertising and selling the same, the residue shall be retained by the person selling the same, unless the owner of such estray shall within twelve months from time of sale claim such residue and prove before some justice of the peace that he is entitled thereto.

*Ibid.* sec. 5. 1888, art. 34, sec. 5. 1860, art. 36, sec. 6. 1769, ch. 18, sec. 3. 1892, ch. 593.

5. If any person shall take up an estray and shall fail to comply with the provisions of the preceding sections he shall forfeit and pay ten dollars as well as his interest in said estray.

*Ibid.* sec. 6. 1888, art. 34, sec. 6. 1860, art. 36, sec. 7. 1832, ch. 157, sec. 1. 1874, ch. 315. 1892, ch. 593.

6. If the owner or occupant of any enclosure who may find any horse, sheep, hog, cow or other domestic animal trespassing upon the said enclosed premises, the owner of which is known, he may impound the same and have the damages valued on oath by two disinterested citizens of the county, and after so doing shall give notice to the owner thereof of his having impounded the same and the amount of damages ascertained, and unless the said damages and a reasonable compensation for feeding the property impounded are paid or tendered him, may after giving ten days' notice, exclusive of the days of sale and the day of impounding, describing the property and stating the time and place of sale to be posted at three or more public places in the neighborhood, sell the same at public auction to the highest bidder for cash, and after deducting from the proceeds of sale the amount of damages valued to him and a reasonable compensation for keeping the said property while impounded, he shall pay over the residue when demanded to the owner thereof.

*Ibid.* sec. 7. 1890, ch. 252. 1892, ch. 593, sec. 8 A.

7. The word enclosure in the preceding section shall be construed to mean a common law enclosure and not an actual enclosure.